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HOANG, SON T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/557,197

Applicant(s)

YAMAMICHI ET AL.

Examiner

SON T. HOANG

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. This communication is in response to the amendment filed on February 25, 2009.

Claims 1-65 are canceled.

Claims 72, 76, 79, and 82-86 are amended.

Claims 87-89 are newly added.

Claims 66-89 are pending.

Response to Arguments

2. The objections of **claims 72, 82, and 84-86** are withdrawn in view of Applicant's amendment.
3. The 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101 rejections of **claims 66-86** are withdrawn.
4. Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of **claims 79-83, and 86** have been considered but are moot in view of the new ground of rejections presented hereon.

Claim Objections

5. **Claim 89** is objected to because of having informalities: typographical error in citing "computer-readable recoding medium" on line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 79-80, 83, and 86** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisaka et al. (Pub. No. US 2002/0165987, filed on April 9, 2002; hereinafter Arisaka) in view of Javed et al. (Pub. No. US 2002/0162112, filed on February 20, 2002; hereinafter Javed).

Regarding **claim 79**, Arisaka clearly shows and discloses a terminal device (*playback terminal 1 of Figure 2*) included in an information presentation system together with a playback device (*playback terminal n of Figure 2*) and a management device (*playback data management device 210*), the terminal device being a different entity from the playback device (*Figure 2 shows that each playback terminal is corresponding to a different location, hence each of the terminal player is a different entity from another, [Abstract]*),

and the terminal device comprising:

an input-receiving unit (*Figure 4*) operable to receive an input from an external source (*The playback terminal device 220 uses the communication line 240 to receive from the playback data management device 210 the playback*

start information and, if the terminal type was sent at step 103, the converted content obtained at step 108, [0048]);

a presentation-information acquiring unit operable to acquire, according to a received input from the management device (*Figure 4*); and

a presentation unit (*Figure 4*) operable to display the acquired presentation information (*The playback terminal device 220 provides the user with the playback information generated at step 112, [0050]*).

Arisaka does not disclose the input from an external source includes (i) a content identifier that identifies a content having been played back by the playback device and (ii) rental information that shows whether the content is a rental content or a content owned by a user, presentation information that is generated using the content identifier and the rental information.

However, Javed discloses the input from an external source (*Figure 6 illustrates exemplary header 600, which may be attached to video files downloaded to NVP 112, [0054]*) includes (i) a content identifier that identifies a content having been played back by the playback device (*Field 625 in header 600 contains a time stamp of the last time the video was played, [0056]*) and (ii) rental information that shows whether the content is a rental content or a content owned by a user (*The Owned/Rented data value is used by NVP 112 to determine if it is necessary to check the rental period validity before playing the video on television 111, [0056]*), presentation information that is generated using the content identifier and the rental information (*If the video is owned, then it is*

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played on the subscriber's TV screen. If the video is rented, NVP 112 checks the Time Last Checked value in the video's header to determine the last time the video was played, [0068]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Javed with the teachings of Arisaka for the purpose of facilitating distribution of video files via a public communications network and, more particularly, to network video player that may be connected to a television set and used to rent and to download video files and other data files distributed via an Internet protocol (IP) network ([0001] of Javed).

Regarding **claim 80**, Arisaka further discloses:

an identifier-acquiring unit operable to acquire a particular content identifier that identifies a particular content (*The terminal receives user identification information of a user and digital content identification information played back by the user, and the user identification information and content identification and content types capable of being played back by the terminal are sent to the data management device, [0007]*), wherein said presentation-information acquiring unit requests and acquires, from the management device, the presentation information indicating whether the acquired particular content identifier is stored in the management device (*The playback terminal device 220 uses the communication line 240 to send the playback data management device*

210 the individual identifier, the content identifier, and the playback continuation information so that the individual playback action history can be updated, [0055]).

Regarding **claim 83**, Arisaka further discloses:

the management device stores user identifiers identifying a plurality of users in association with content identifiers identifying content having been played back by the users (*For each user, a server manages a personal playback action history, e.g., which content was played back up to which point. If playback is interrupted, playback continuation information for the content at that point in time is sent from the playback terminal device to the server and stored in the personal playback action history, [Abstract]), and*

said presentation-information acquiring unit transmits a particular user identifier that identifies a particular user to the management device, and acquires the presentation information generated using a content identifier associated with the particular user identifier (*The playback terminal device 220 uses the communication line 240 to send the playback data management device 210 the individual identifier, the content identifier, and the playback continuation information so that the individual playback action history can be updated, [0055]).*

Regarding **claim 86**, Arisaka clearly shows and discloses a playback device (*playback terminal n of Figure 2*) that makes up an information presentation system together with a terminal device (*playback terminal 1 of Figure 2*) and a management device *playback data management device 210*), the playback device being a different entity from the terminal device (*Figure 2*

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shows that each playback terminal is corresponding to a different location, hence each of the terminal player is a different entity from another, [Abstract]], and the playback device comprising:

a playback unit operable to play back a content recorded in a recording medium (The playback terminal device 220 receives an individual identifier and content identifier from the user or the portable storage medium 230. The playback terminal device 220 provides the user with content and responds to playback operations, [0029]); and

a transmission unit operable to transmit, to the management device, the acquired content identifier (the playback terminal device sends the playback data management device terminal type information indicating the digital content playback capabilities of the device, the individual identifier, and the content identifier. Using this data, the playback data management device generates playback start information, indicating whether playback of the digital content is to start at the beginning or at an intermediate point, and content converted to suit the terminal type, [0034]).

Arisaka does not disclose when the content is played back, acquiring (i) a content identifier that identifies the played back content, and (ii) rental information that shows whether the content is a rental content or a content owned by a user; and transmitting the acquired rental information.

However, Javed discloses when the content is played back, acquiring (i) a content identifier that identifies the played back content (*Field 625 in header 600 contains a time stamp of the last time the video was played, [0056]*), and (ii) rental information that shows whether the content is a rental content or a content owned by a user (*The Owned/Rented data value is used by NVP 112 to determine if it is necessary to check the rental period validity before playing the video on television 111, [0056]*); and transmitting the acquired rental information (*If the video is owned, then it is played on the subscriber's TV screen. If the video is rented, NVP 112 checks the Time Last Checked value in the video's header to determine the last time the video was played, [0068]*).

However, Javed discloses when the content is played back, acquiring (i) a content identifier that identifies the played back content, and (ii) rental information that shows whether the content is a rental content or a content owned by a user.

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Javed with the teachings of Arisaka for the purpose of facilitating distribution of video files via a public communications network and, more particularly, to network video player that may be connected to a television set and used to rent and to download video files and other data files distributed via an Internet protocol (IP) network ([0001] of Javed).

8. **Claims 81-82** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisaka et al. (*Pub. No. US 2002/0165987, filed on April 9, 2002; hereinafter Arisaka*) in view of Javed et al. (*Pub. No. US 2002/0162112, filed on February 20, 2002; hereinafter Javed*), and further in view of Milton (*Pub. No. US 2002/0059120, published on May 16, 2002*).

Regarding **claim 81**, Arisaka further discloses:

said input-receiving unit further receives input of a plurality of content identifiers (*The playback data management device 210 receives content identifiers, playback continuation information, and terminal types (terminals are set up with information indicating content types that can be displayed by the terminals or content types that users would like to play back) from the playback terminal device 220 via the communication line 240. The playback data management device 210 sends playback start information and converted content to the playback terminal device 220, [0030]*).

Arisaka, as modified by Javed, does not disclose said presentation-information acquiring unit further requests and acquires the presentation information indicating, for each of the content identifiers, whether the content identifier is stored in the management device, and said presentation unit further displays the presentation information in which content identifiers stored in the management device are shown in a distinguishable form from content identifiers not stored in the management device.

However, Milton discloses:

said presentation-information acquiring unit further requests and acquires the presentation information indicating, for each of the content identifiers, whether the content identifier is stored in the management device (*the content handle serves to describe the location as to where the virtual inventory units will be sent to be handled and rerouted. For example, the content handle is read by the VCH 150 to determine the location of the media content to be accessed in the case of a "content access request", [0042]*), and

said presentation unit further displays the presentation information in which content identifiers stored in the management device are shown in a distinguishable form from content identifiers not stored in the management device (*AVIG accepts data through its API (Application Program Interface) as linked to an SQL program which queries and returns relevant information from a Content Doctrine, where the Content Doctrine is located in a VIADMIN node's database. Second, the AVIG interacts with the VIADMIN to retrieve, insert and encrypt an available virtual inventory unit number 530 to complete the creation of a Virtual Inventory Unit, [0060]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Milton, as modified by Javed, with the teachings of Arisaka for the purpose of facilitating access by the consumer owner of media content s to a repository or virtual inventory of media contents via one or more web enabled devices and at

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different locations without having to download, store, or carry said media contents ([0002] of Milton).

Regarding **claim 82**, Milton further discloses:

said input-receiving unit receives an input of a particular one of a plurality of categories under which attributes of contents are grouped (*Media Content Administrators 160 has an AVIG that produces Virtual Inventory Units according to the classes and their attributes. The Media Content Administrator may also define and create new proprietary classes that are not included in a default specification of the overall system so to further automate the process of creating virtual inventory on the fly. Inventory Class rules will be stored in configuration files in a database located at the Content Administrators node, [0053]*),

said presentation-information acquiring unit requests the presentation information by transmitting the particular category to the management device (*the content handle 510 is a universally recognized code that is assigned by a "virtual media registry" (VMR) to uniquely represent a particular media content, e.g., a particular CD of a artist, a particular video or movie and so on, [0042]*),

the management device stores a plurality of categories indicating a plurality for attributes for a plurality of content in association with content identifiers respectively identifying the content (*the "Hollow" inventory class defines a class of virtual inventory of media contents that lacks general information such as track number, track name, and so on, [0054]. The "Evaluation" inventory class defines a class of virtual inventory of media contents*

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that will time out after a period of time as specified, [0055]. The "Finite" inventory class defines a class of virtual inventory of media contents that is classified as having a finite distribution parameter, thereby limiting the number of virtual inventory units that can be generated, [0056]. The "Infinite" inventory class defines a class of virtual inventory of media contents that is classified as having an infinite distribution parameter, thereby setting no limit as to the number of virtual inventory units that can be generated, [0057]), and

said presentation unit presents the presentation information which is generated using attribute information corresponding to the content identifier that identifies the content having been played back by the playback device and belonging to the particular one of the categories (*Figure 3 shows the user request a media content from a virtual inventory of media content and play selected media content*).

Allowable Subject Matter

9. **Claims 66-78, 84-85, and 87-89** will be considered for allowance if all claims' objections, and claims' rejections under 35 U.S.C. 101, and 112, 2nd paragraph, as set forth in this Office action are overcome.

Reasons for Allowance

10. The following is an Examiner's statement of reasons for allowance for **independent claims 66-67, 84-85, and 87-89**:

A) The prior arts of record fail to teach the updating steps of

"perform an update on the stored rental information so as to show that the content is not the rental content when (a) the received new content identifier and the stored content identifier identify a same content, and (b) the stored rental information shows that the content is the rental content, and the received new rental information shows that the new content is not the rental content,

perform no update on the stored rental information regardless of whether or not the received new rental information shows that the new content is the rental content when (a) the received new content identifier and the stored content identifier identify the same content, and (b) the stored rental information shows that the content is not the rental content" **(independent claims 66-67, and 84-85),**

and the transmitting step of:

"transmitting the acquired content identifier and the acquired rental information to the management device when (a) the received new content identifier and the stored content identifier identify a same content, and (b) the stored rental information shows that the content is the rental content, and the received new rental information shows that the new content is not the rental content,

suppress transmitting the acquired content identifier and the acquired rental information to the management device when (a) the received new content identifier and the stored content identifier identify the same content, and (b) the

stored rental information shows that the content is not the rental content"

(independent claims 87-89).

Claims 68-78 are also allowable based on their dependencies on **claim 67**.

B) The prior arts on record are summarized as follow:

i) Arisaka et al. (*Pub. No. US 2002/0165987*) teaches a digital content playback method in a digital content playback system including a terminal allowing a user to play back digital content even when the user is at a different location or a different playback terminal.

ii) Yuasa et al. (*Pub. No. US 2002/0138379*) teaches managing lease of information contents distributed from an information lease service provider to a user, wherein a contract concerning lease of information contents is made in advance between the information lease service provider and the user, utilization condition information is added to information contents to be distributed to the user based on the contract.

iii) Milton (*Pub. No. US 2002/0059120*) teaches providing a virtual inventory of goods, e.g., media contents, where the goods can be purchased or conveyed, registered, transferred and loaned, while stored and controlled remotely (not on consumer devices), and accessed locally, on demand, from a plurality of web enabled devices and web enabled locations via a distributed network.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. H./
Examiner, Art Unit 2165
June 11, 2009

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165